IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 668 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated W.P.M.P.No.28021 of 2003 in W.P.No.22416 of 2003 dated 11-11-2003 on the file of the High Court).

Between:

The Gundugolanu Large Sized Co-op.Society Ltd., Gundugolanu,Bhimadole Mandal,W.G.Dist.

... APPELLANT

AND

1 M.Y.V.Narasimharao, S/o.Pullaiah,
R/o.7th Ward, Gundugolanu, Bhimadole Mandal W.G.Dist.
2 The Deputy Commi.of Labour, cum the Appellate Auth.U/s.48 of A.P.shops & Establishments
Act, Eluru,W.G.Dist.
3 The Asst.Commissioner of Labour cum the Authority, U/s.48 of A.P.shops & Establishments Act,Eluru,W.G.Dist.

...RESPONDENT (S)

For the Appellant: MR.K.CHIDAMBARAM

For the Respondent No.: MR.Y.SUDHAKAR

The Court Made the Following:

ORAL JUDGMENT: (per GB,J)

The present Writ Appeal is filed against the interim order passed by the learned single Judge in W.P.M.P.No.28021 of 2003 in W.P.No.22416 of 2003 dated 11-11-2003.

Learned counsel for the appellant submits that the order passed by the learned Single Judge is contrary to the provisions contained in Section 48 (4) of the A.P. Shops and Establishments Act. Further he submits that the society is running in heavy losses and it cannot afford to pay the wages of the employees. He further submits that, in view of the amendment to Section 116-C of the A.P. Co-operative Societies Act, the wages of the employees can be reduced depending on the gross profit. Hence, he submits that the order is liable to be set aside.

Heard the learned counsel for the respondent-employee.

Since the order is only an interim order, we are not inclined to interfere with the same. Learned counsel for the appellant submits that, in the place of the appellant, some other person has been appointed. In such an event, it would not lie in the mouth of the society that it is not in a position to pay the salary of the employees.

Under these circumstances, the Writ Appeal is dismissed at the admission stage. However, it is desirable that the Writ Petition should be heard expeditiously. Therefore, post the Writ Petition for final hearing before an appropriate bench in September, 2004. No costs.

ASSISTANT REGISTRAR

June 14, 2004

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Commissioner of Labour, cum the Appellate Auth.U/s.48 of A.P.shops & Establishments Act, Eluru,W.G.Dist.
2. The Asst.Commissioner of Labour cum the Authority, U/s.48 of A.P.shops & Establishments Act,Eluru,W.G.Dist.
3. Two C.D. Copies.